

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

|                                     |   |                                   |
|-------------------------------------|---|-----------------------------------|
| CONVOLVE, INC.                      | § |                                   |
|                                     | § |                                   |
| V.                                  | § | Civil Action No. 2:08-CV-244 (CE) |
|                                     | § |                                   |
| DELL INC.,                          | § |                                   |
| WESTERN DIGITAL CORPORATION,        | § |                                   |
| HITACHI GLOBAL STORAGE              | § |                                   |
| TECHNOLOGIES, INC. and HITACHI LTD. | § |                                   |

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**July 25, 2011  
Jury Trial Day Six**

**OPEN: 8:40 a.m.**

**ADJOURN: 5:22 p.m.**

|                          |                  |
|--------------------------|------------------|
| ATTORNEYS FOR PLAINTIFF: | James Anderson   |
|                          | Eric Albritton   |
|                          | Marla Butler     |
|                          | Stephen Edwards  |
|                          | Tara Sharp       |
|                          | Elizabeth Thomas |
|                          | Bryan Vogel      |

|                           |                  |
|---------------------------|------------------|
| ATTORNEYS FOR DEFENDANTS: | Deron Dacus      |
|                           | Eric Findlay     |
|                           | Roger Fulghum    |
|                           | Jeff Homrig      |
|                           | Gene Schaerr     |
|                           | Melissa Smith    |
|                           | Kimball Anderson |
|                           | Doug Lumish      |
|                           | Michael Smith    |
|                           | Bruce Wessel     |
|                           | David Schwarz    |
|                           | Garland Kelley   |
|                           | Joseph Lee       |
|                           | Richard Birnholz |
|                           | Tom Werner       |
|                           | Anna Halsey      |
|                           | Chris Ponder     |

|            |               |
|------------|---------------|
| LAW CLERK: | Katrina Maher |
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|                 |                    |
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| COURT REPORTER: | Shelly Holmes, CSR |
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| COURTROOM DEPUTY: | Jan Lockhart |
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8:40 a.m. Court opened.

8:41 a.m. Mr. Fulghum continued his examination of Dr. Bruce Buckman.

9:23 a.m. Ms. Butler conducted cross examination of Dr. Buckman.

9:59 a.m. Mr. Birnholz called Ian Justice to testify. Mr. Justice was previously sworn and was examined under oath.

10:20 a.m. Morning recess.

10:42 a.m. Court reconvened. Mr. Birnholz continued his examination of Mr. Justice.

11:04 a.m. Mr. Vogel conducted cross examination of Mr. Justice.

11:06 a.m. The parties passed the witness. Mr. Homrig called Dr. Michael Sidman to testify. Dr. Sidman was previously sworn and was examined under oath.

11:57 p.m. Lunch recess.

12:05 p.m. until 1:20 p.m. Informal charge conference.

1:49 p.m. Court reconvened.

1:59 p.m. Bench conference.

2:01 p.m. Mr. Homrig continued his examination of Dr. Sigman.

2:04 p.m. Ms. Butler conducted cross examination of Dr. Sigman.

2:26 p.m. The parties passed the witness. Mr. Dacus called Chris Bakewell to testify. Mr. Bakewell was previously sworn and was examined under oath.

2:59 p.m. Mr. Dacus passed the witness.

3:00 p.m. Mr. Anderson conducted cross examination of Mr. Bakewell.

3:14 p.m. Afternoon recess. Jury excused.

3:15 p.m. Hearing outside the presence of the jury .

3:16 p.m. Court adjourned.

3:46 p.m. Bench conference.

3:37 p.m. Mr. Anderson continued cross examination of Mr. Bakewell.

3:55 p.m. Mr. Dacus conducted re-direct examination of Mr. Bakewell.

3:57 p.m. The parties passed the witness.

3:58 p.m. Ms. Smith called Daniel Slottje to testify. Mr. Slottje was sworn and examined under oath.

4:08 p.m. Mr. Anderson conducted cross examination of Mr. Slottje.

4:14 p.m. Ms. Smith conducted re-direct examination of Mr. Slottje.

4:15 p.m. Mr. Anderson conducted re-cross examination of Mr. Slottje. The parties passed the witness.

4:16 p.m. Mr. Findlay called Keith Ugone to testify. Mr. Ugone was sworn and examined under oath.

4:33 p.m. Mr. Anderson conducted cross examination of Mr. Ugone.

4:36 p.m. Mr. Findlay conducted re-direct examination of Mr. Ugone.

4:38 p.m. The parties passed the witness. Bench conference held.

4:42 p.m. Mr. Birnholz offered JTX 1813 into evidence. There were no objections. The exhibit was admitted.

4:43 p.m. Defendants rested.

4:44 p.m. Plaintiff's rebuttal case. Mr. James Anderson presented the video deposition of Darrin Bulik.

4:45 p.m. Ms. Butler called Val Di Euliis to testify. Mr. Di Euliis was previously sworn.

5:04 p.m. Mr. Lumish conducted cross examination of Dr. Di Euliis

5:16 p.m. Ms. Butler conducted re-direct examination of Dr. Di Euliis.

5:18 p.m. Parties passed the witness.

5:19 p.m. Court excused the jury. Hearing outside the presence of the jury. Charge conference to be held at 8:00 a.m..

5:22 p.m. Court adjourned.